

over Suwa (EP 789,278).

The Examiner's statement of the reasons for the rejection based on Suwa is identical to her statement of the reasons for the rejection in the previous Office Action.

In the "Response to Arguments" section of the Office Action, paragraphs 4-6, the Examiner states that she has reconsidered the comparative data of record, but that the arguments are unpersuasive. The Examiner divides her analysis into two sections, pertaining to the residual film rate and the profile, respectively.

The Residual Film Rate

The Examiner notes that the residual film rates are 99.3% and 99.6% for the inventive examples and are 94.6% and 95.2% for the comparative examples. The Examiner also notes that Applicants contend that the data present an extremely large difference in the art and would be considered to be an unexpected result to one of ordinary skill in the art.

The Examiner states that "Applicants merely state on the record that the results are unexpected." The Examiner further states that Applicants have not provided evidence that such a difference is indeed substantial and that "it is not enough to show that results are obtained which differ from those obtained in the prior art: that difference must be shown to be an unexpected difference."

The Examiner notes that Applicants have provided an explanation pertaining to the relationship between the residual film rate and the fractional film thickness. However, the Examiner states that while Applicants have established a clear relationship, there is no evidence

which shows that the difference in residual rates for the inventive examples and the comparable examples is substantial and unexpected to one of ordinary skill.

The Profile

The Examiner notes the clarifying statements and the profiles presented in the Amendment filed August 22, 2003. However, the Examiner requests that the clarifications be provided in a signed new Declaration.

Additional Data (Photographs)

The Examiner also suggests that photographs be submitted of both the inventive examples and the comparative examples.

Applicants respectfully submit that the present invention is not anticipated by or obvious over the disclosures of Suwa and request that the Examiner reconsider and withdraw the §103 rejection in view of the following.

Applicants respectfully submit that the present invention is not taught or disclosed by Suwa for the reasons of record. In addition, Applicants submit therewith additional Declaration evidence. Attached herewith is an unexecuted Declaration Under 37 C.F.R. §1.132 of Mr. Yasumasa Kawabe. An executed copy of the §1.132 Declaration will be submitted in due course to complete the record.

As set forth in further detail in the §1.132 Declaration, in order to carry out circuit board processing by etching with a high degree of accuracy, the residual film rate and the shape of the resist are quite important. The difference of 4% to 5% in residual film rate as between the inventive and the comparative samples is a difference with significant technological meaning and

Request for Reconsideration Under 37 C.F.R. § 1.116
U.S. Application No. 09/295,329

such a difference would have been considered to be an unexpected improvement to one skilled in the art.

As to the unexpected effects shown in Profile A and Profile B, the new §1.132 Declaration corrects the description of the data as requested by the Examiner. Additionally, as set forth in further detail in the §1.132 Declaration, the residual film rate and the profile are greatly changed by the difference in the surfactant used. That is, a specific and unexpected effect in the residual film and the profile are obtained by the use of the combination as claimed, including the claimed type of surfactant.

When an Applicant demonstrates substantially improved results and states that the results were unexpected, this should suffice to establish unexpected results in the absence of evidence to the contrary. In re Soni, 34 USPQ2d 1684, 1688 (Fed. Cir. 1995). The Examiner has not provided any reasonable basis to question Applicants' comparative data and showing that the superior results are unexpected.

For the above reasons, and for the reasons of record, it is respectfully submitted that the subject matter of claims 1-15 is neither taught by nor made obvious from the disclosures of Suwa and it is requested that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

Request for Reconsideration Under 37 C.F.R. § 1.116
U.S. Application No. 09/295,329

II. Conclusion

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

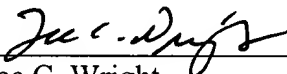
Respectfully submitted,

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WASHINGTON OFFICE

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